

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
 )  
Amendment of Part 97 of the )  
Commission's Rules to Eliminate ) RM-8626  
Certain One-Way Communications in )  
the Amateur Radio Service Medium )  
and High Frequency Bands )

COMMENTS OF THE FORT VENANGO MIKE AND KEY CLUB 11 April 1995

The Fort Venango Mike and Key Club respectfully submits these Comments regarding the petition to amend Part 97 as described by Proposed Rule Making, RM-8626 (the "NPRM").

I THE CLUB

1. The Fort Venango Mike and Key Club is an Amateur Radio Club of approximately 117 members, organized in the mid 1930's serving amateur radio operators, mostly in the northwestern region of the Commonwealth of Pennsylvania. The FVMKC has a long standing tradition of providing public service, new operator training, technical training and social get-togethers.

II THE POSITION OF THE CLUB

2. By unanimous vote of the members present at our regular meeting, April 11, 1995, the Fort Venango Mike and Key Club goes on record in opposition of subject NPRM and respectfully requests the Commission to fully reject the request to amend Part 97 as detailed in subject NPRM. We believe that traditional and longstanding regulations found in sections 97.111(b) and 97.113(a) through (f) of Part 97 of the Federal Communications rules and regulations have served amateur radio very well in the past and continue to do so today and will into the future.

III CONSIDERATIONS

3. As indicated in his request for amendment, Mr. Maia is allegedly "...concerned about one-way communications in the Amateur Service high frequency (hf) bands on two levels. First...he is personally distressed at the level of anger that now exists on these bands. This anger is primarily caused when one-way, broadcast-type transmissions interrupt two-way communications that are already in progress...Second, he is especially concerned about the impact that this anger and the resulting malicious interference has on relatively new amateurs...setting a very bad example to newcomers and is contributing to a general deterioration in the quality of communications..."

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4. It is likely that most of us are at one time or other "personally distressed" at the level of anger that now exists in            (select your favorite subject). In a free society periodic anger at someone or some group is unavoidable. The solution is to recognize that as mature citizens we must accept the right of others to act in different ways than we would like as long as they are doing so within the law and accepted social practice.

5. Mr. Maia did not submit any objective data indicating that "...this anger is primarily caused when one-way, broadcast-type transmissions interrupt two-way communications that are already in progress..." An informal polling of club members failed to establish any cases where such interference has ever occurred. The opposite is true among our membership. Nearly all station-to-station interference that occurs, occurs by other stations engaged in two-way communication. Further, stations that are likely to operate on a fixed frequency at a specific time are likely doing so in accordance with section 97.113(b). 97.113(b)(3) states that the schedule of times and frequencies are to be published at least 30 days in advance of such activity. In doing so, the amateur population is made well aware of the availability of those frequencies at specific times, in advance. Further, by requiring such stations to publish specific times and frequencies at least 30 days in advance, it is implied that such stations are required to operate in accordance with the published schedule, which is to say, on those frequencies at those times. Stations not likely to operate in accordance with 97.113(b) but in accordance with 97.111(b) are responsible for finding clear frequencies for their operation. In both cases, there is ample opportunity to avoid interference between legal one-way and two-way transmissions.

6. With regard to "...the resulting malicious interference..." it seems clear that the station causing the malicious interference is at fault. Section 97.101(d) specifically prohibits malicious interference while 97.111 and 97.113 permit certain one-way transmissions. We believe that the proper response to any malicious interference situation is to determine which station(s) is operating illegally and to apply enforcement proceedings against those engaging in such activity. We see no reason for the Commission to consider penalizing legal operators and failing to penalize violators which would be the case if Mr. Maia's request was granted.

7. Mr. Maia in his request states that "Today there are plenty of other methods of communicating general information to Amateurs..." and he goes on to give examples including on-line services and so on. While those services may be readily available in larger metropolitan areas, they are not available at affordable rates in rural areas like northwestern Pennsylvania. Furthermore, there are still many amateurs who do not have personal computers with which to access such information.

8. Mr. Maia in his request states that "...code practice is now easily accomplished via software training and simulation programs." While that statement is correct as far as it goes it is not complete. Off air code practice adds the element of noise, fade and interference not found in most practice programs and yet necessary to prepare amateur operators for live code operation. Furthermore, very simple and low cost equipment which can be home built can be used to receive off-air code practice in contrast to the costly and bulky computer equipment required to use software for such practice. A secondary benefit to building one's own code practice receiver is to advance the amateurs technical knowledge which is in accordance with 97.1(d).

9. Mr. Maia in his request to amend 97.111(b) and 97.113(d) wants to move information bulletins and code practice to frequencies above 30 Mhz. As in the case of computer network communication, not all areas of the country are fully covered by amateur stations operating on frequencies above 30 Mhz. Furthermore, it is highly unlikely that any kind of coordinated, consistent, reliable, and widespread coverage could be effected above 30 Mhz.

10. Many people, hams and non-hams alike, have benefitted directly and indirectly over the years by having access to various legal one-way transmissions in the amateur bands. For example, one-way re-transmission of space shuttle communications via amateur radio have been a very effective means of interesting many school age students in the fields of science, technology and amateur radio. The long term benefit of such transmissions is difficult to estimate but there is no question that those transmissions have had substantial benefit.

#### IV SUMMARY

11. The Fort Venango Mike and Key Club stands in opposition to Proposed Rule Making no. 8626. Anger alone is not a good and adequate reason to change rules and regulations. There are adequate provisions in the regulations to prevent station-to-station interference. Strict enforcement of existing regulations would be a far better solution than making changes to the regulations as proposed. Making the requested changes to the regulations would in effect punish the law abiding and reward the lawless and would make access to information bulletins far more difficult than presently is the case. Please fully reject the request for elimination of certain one-way transmissions.

Respectfully,



Lee Richey, WA3FIY  
President



Regis Butler, WS3R  
Secretary